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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  CHRISTOPHER CAMERON, INGRID  
12                  OVERMAN, and the F/V GALLows  
13                  POINT,

14                  Plaintiffs,

15                  Case No. C07-5274 KLS

16                  v.

17                  CAPE CAUTION, INC., and CHARLES R.  
18                  PIECUCH, *In Personum*; the F/V CAPE  
19                  CAUTION, O.N. 606699, her engines, tackle,  
20                  apparel, furniture and equipment, *In Rem*,

21                  ORDER DENYING MOTION FOR  
22                  ORDER OF DEFAULT AGAINST GARY  
23                  MINKOFF

24                  Defendants.

25                  This matter comes before the Court on Plaintiffs' Motion for Order of Default Against Defendant  
26                  Gary Minkoff. (Dkt. #28). Defendant Gary Minkoff filed his Opposition to Motion for Order of Default  
27                  (Dkt. #32). The basis for his opposition is that Mr. Minkoff, through his attorney Attorney Robert F.  
28                  Kehoe, filed a Notice of Appearance (Dkt. #30) and Answer (Dkt. #31) on April 2, 2008. Plaintiff also  
asserts that the late filing of the pleadings has not prejudiced the Defendants as the late filing has not  
hampered discovery.

25                  The Court notes that the Plaintiffs went to great lengths in attempting to obtain a response from  
26                  Mr. Minkoff. It appears that Mr. Minkoff was in Alaska fishing during this time which provides an  
27                  explanation as to why neither counsel for the plaintiffs or defendants were able to reach him.

In light of the newly filed Notice of Appearance and Answer as well as the lack of prejudice to the Defendants, the Motion for Default (Dkt. #32) is hereby DENIED.

DATED this 9<sup>th</sup> day of April, 2008.

Ben L. Strom

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Karen L. Strombom  
United States Magistrate Judge